

ENTERED

March 07, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOSE CONCEPCION GARCIA,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:18-CV-321

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R") to dismiss case for failure to prosecute, Dkt. No. 13.

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 13. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), the Court **DISMISSES WITHOUT PREJUDICE** the above-captioned case. FED. R. CIV. P. 41(b); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988) ("A district court may dismiss an action for failure of a plaintiff to prosecute or to comply with any order of court.").

The Court **DIRECTS** the Clerk of the Court to close the case.

SIGNED this 7th day of March, 2019.



Hilda Tagle

Senior United States District Judge